

§ 21.3301

lessen the effects of a physical or mental disability for the purpose of enabling an eligible child to pursue a program of education, special vocational program or other appropriate goal. Medical care and treatment or psychiatric treatment are not included.

(b) *Special restorative training courses.* The counseling psychologist, after consulting with the Vocational Rehabilitation Panel, may prescribe for special restorative training purposes courses such as—

- (1) Speech and voice correction or retention,
- (2) Language retraining,
- (3) Speech (lip) reading,
- (4) Auditory training,
- (5) Braille reading and writing,
- (6) Training in ambulation,
- (7) One-hand typewriting,
- (8) Nondominant handwriting,
- (9) Personal, social and work adjustment training,
- (10) Remedial reading, and
- (11) Courses at special schools for mentally and physically disabled or
- (12) Courses provided at facilities which are adapted or modified to meet special needs of disabled students.

(Authority: 38 U.S.C. 3540)

(c) *Duration of special restorative training.* VA may provide special restorative training in excess of 45 months where an additional period of time is needed to complete the training. Entitlement, including any authorized in excess of 45 months, may be expended through an accelerated program requiring a rate of payment for tuition and fees in excess of—

- (1) \$190.00 a month for the period beginning October 1, 2001, and ending December 31, 2001;
- (2) \$210.00 a month for months after December 31, 2001.

(Authority: 38 U.S.C. 3541(b), 3542)

(d) *Special restorative training precluded in Department of Veterans Affairs facilities.* Special restorative training

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will not be provided in Department of Veterans Affairs facilities.

(Authority: 38 U.S.C. 3543(b))

[48 FR 37973, Aug. 22, 1983, as amended at 49 FR 42725, Oct. 24, 1984; 50 FR 19934, May 13, 1985; 63 FR 67779, Dec. 9, 1998; 66 FR 32228, June 14, 2001; 68 FR 34322, June 9, 2003]

§ 21.3301 Need.

(a) *Determination of need.* When special restorative training has been requested or is being considered for a handicapped child, a counseling psychologist will obtain all information necessary to determine the need for and feasibility of special restorative training. After the counseling psychologist completes this task, he or she will refer the case to the Vocational Rehabilitation Panel. The panel will consider whether—

- (1) There exists a handicap which will interfere with pursuit of a program of education;
- (2) It is in the best interests of an eligible child to begin special restorative training after his or her 14th birthday;
- (3) The period of special restorative training materially will improve the eligible child's ability to:
 - (i) Pursue a program of education,
 - (ii) Pursue a program of specialized vocational training,
 - (iii) Obtain continuing employment in a sheltered workshop, or
 - (iv) Adjust in his or her family or community;

(Authority: 38 U.S.C. 3541(a))

- (4) The special restorative training may be pursued concurrently with a program of education; and
- (5) Training will affect adversely the child's mental or physical condition;
- (6) The Department of Veterans Affairs:

- (i) Has considered assistance available under provisions of State-Federal programs for education of handicapped children, and
- (ii) Has determined that it is in the child's interest to receive benefits under Chapter 35,

(Authority: 38 U.S.C. 3541(a))

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(b) *Report.* The Vocational Rehabilitation Panel will prepare a written report of its findings and recommendations as to the need for assistance and the types of assistance which should be provided. The report will be sent to the counseling psychologist.

(c) *Development and implementation.* Following consultation with the panel or receipt of the panel's report, or both, the counseling psychologist will determine the need and feasibility of special restorative training. If an affirmative finding is made, an individualized, written plan comparable to that developed in cases of extended evaluation under 38 U.S.C. Chapter 31 will be prepared. The plan will be developed jointly with the eligible child and parent or guardian.

(Authority: 38 U.S.C. 3541(a))

(d) *Notification of disallowance.* When a parent or guardian has requested special restorative training on behalf of an eligible child, and the counseling psychologist finds that this training is not needed or will not materially improve the child's condition, the Department of Veterans Affairs will inform the parent or guardian in writing of the finding. The Department of Veterans Affairs will also inform the parent or guardian of his or her appeal rights.

(e) *Reentrance after interruption.* The case of an eligible child shall be referred to the panel for consideration of whether the eligible child may be permitted reentrance into special restorative training following interruption. The panel will recommend approval to the counseling psychologist if there is a reasonable expectation that the purpose of special restorative training will be accomplished. See §21.3306.

(Authority: 38 U.S.C. 3540)

[48 FR 37973, Aug. 22, 1983, as amended at 49 FR 42725, Oct. 24, 1984]

§21.3302 Agreements.

(a) *Agreements to provide training.* The Department of Veterans Affairs may make agreements with public or private educational institutions or others to provide suitable and necessary special restorative training for an eligible child.

(b) *Tuition charge.* When a customary tuition charge is not applicable, the agreement will include the fair and reasonable amounts which may be charged the parent or guardian for the training provided an eligible child.

(c) *Content of agreement.* Each agreement will include the same type of information required for special restorative training for disabled veterans under 38 U.S.C. Chapter 31, including the requirement that the educational institutions, or others with whom arrangements have been made, report to the Department of Veterans Affairs promptly the eligible child's enrollment in, interruption or termination of the course of special restorative training.

(Authority: 38 U.S.C. 3543)

[48 FR 37973, Aug. 22, 1983]

§21.3303 Extent of training.

(a) *Length of special restorative training.* Ordinarily, special restorative training may not exceed 12 months. When the counseling psychologist, after consulting with the Vocational Rehabilitation Panel, determines that more than 12 months of training is necessary, he or she will refer the program to the Director, Vocational Rehabilitation and Employment Service for prior approval. Where the plan for a program of special restorative training itself (not in combination with the program of education) will require more than 45 months (or its equivalent in accelerated payments) the plan will be included in the recommendation to the Director, Vocational Rehabilitation and Employment Service for approval.

(Authority: 38 U.S.C. 3543(b))

(b) *Age limitation.* No eligible child may receive special restorative training after reaching age 31.

(Authority: 38 U.S.C. 3512)

(c) *Full-time training.* An eligible child will pursue special restorative training on a full-time basis.

(1) Full-time training requires training for:

(i) That amount of time per week which commonly is required for a full-time course at the educational institution when, based on medical findings,